

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

2 Sean Pak (Bar No. 219032)

3 seanpak@quinnemanuel.com

4 Melissa Baily (Bar No. 237649)

5 melissabaily@quinnemanuel.com

6 James Judah (Bar No. 257112)

7 jamesjudah@quinnemanuel.com

8 Lindsay Cooper (Bar No. 287125)

9 lindsaycooper@quinnemanuel.com

10 Iman Lordgooei (Bar No. 251320)

11 imanlordgooei@quinnemanuel.com

12 50 California Street, 22nd Floor

13 San Francisco, California 94111-4788

14 Telephone: (415) 875-6600

15 Facsimile: (415) 875-6700

16 Marc Kaplan (*pro hac vice*)

17 marckaplan@quinnemanuel.com

18 191 N. Wacker Drive, Ste 2700

19 Chicago, Illinois 60606

20 Telephone: (312) 705-7400

21 Facsimile: (312) 705-7401

22 *Attorneys for GOOGLE LLC*

23 UNITED STATES DISTRICT COURT

24 NORTHERN DISTRICT OF CALIFORNIA

25 SAN FRANCISCO DIVISION

26 SONOS, INC.,

27 Plaintiff,

28 vs.

GOOGLE LLC,

Defendant.

Case No. 3:20-cv-06754-WHA

Related to Case No. 3:21-cv-07559-WHA

**GOOGLE LLC'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL
PORTIONS OF ITS RESPONSE TO
SONOS, INC.'S BRIEF REGARDING
THE PARTIES' POSITIONS ON
STANDALONE MODE**

I. INTRODUCTION

Pursuant to Civil Local Rules 7-11 and 79-5, Plaintiff Google LLC (“Google”) hereby requests to file under seal portions of Response to Sonos, Inc.’s Brief Regarding the Parties’ Positions on Standalone Mode (“Response”). Specifically, Google requests an order granting leave to file under seal the portions of the document listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Exhibit 1	Portions outlined in red boxes	Google
Exhibit 2	Portions outlined in red boxes	Google

II. LEGAL STANDARD

Civil Local Rule 79-5(c) provides that a party seeking to file its own documents under seal must file an administrative motion that articulates the applicable legal standard and reasons for keeping a document under seal, includes evidentiary support from a declaration where necessary, and provides a proposed order that is narrowly tailored to seal only the sealable material.

“Historically, courts have recognized a ‘general right to inspect and copy public records and documents, including judicial records and documents.’” *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 & n.7 (1978)). In the Ninth Circuit, two different standards may apply to a request to seal a document – namely the “compelling reasons” standard or the “good cause” standard. *Blessing v. Plex Sys., Inc.*, No. 21-CV-05951-PJH, 2021 WL 6064006, at *12 (N.D. Cal. Dec. 22, 2021) (citing *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096-97 (9th Cir. 2016)). “To seal records in connection with a ‘dispositive’ motion or a motion that ‘more than tangentially relate[s] to the merits of a case,’ ‘compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure’ are required.” *Bronson v. Samsung Elecs. Am., Inc.*, No. C 18-02300 WHA, 2019 WL 7810811, at *1 (N.D. Cal. May 28, 2019) (quoting *Kamakana*, 447 F.3d at 1178-79). “A particularized showing of ‘good cause’ under Federal Rule

1 of Civil Procedure 26(c), however, suffices to warrant sealing in connection with a non-dispositive
2 motion.” *Id.*

3 **III. THE COURT SHOULD SEAL GOOGLE’S CONFIDENTIAL INFORMATION**

4 Courts have repeatedly found it appropriate to seal documents that contain “business
5 information that might harm a litigant’s competitive standing.” *Nixon*, 435 U.S. at 589-99. Good
6 cause to seal is shown when a party seeks to seal materials that “contain[] confidential information
7 about the operation of [the party’s] products and that public disclosure could harm [the party] by
8 disclosing confidential technical information.” *Digital Reg. of Texas, LLC v. Adobe Sys., Inc.*, No.
9 C 12–1971 CW, 2014 WL 6986068, at *1 (N.D. Cal. Dec. 10, 2014).

10 The portions sought to be sealed contain confidential information regarding highly sensitive
11 features of Google’s products. Specifically, the above-listed information contains source code and
12 details the operation and system design of Google products and functionalities that Sonos accuses
13 of infringement. Public disclosure of this information would harm the competitive standing Google
14 has earned through years of innovation and careful deliberation by revealing sensitive aspects of
15 Google’s proprietary systems, strategies, designs, and practices to Google’s competitors.
16 Declaration of Nima Hefazi ¶ 4. Thus, Google has good cause to keep such information under seal.
17 *See, e.g., Guzik Tech. Enterprises, Inc. v. W. Digital Corp.*, No. 5:11-CV-03786-PSG, 2013 WL
18 6199629, at *4 (N.D. Cal. Nov. 27, 2013) (sealing exhibit containing “significant references to and
19 discussion regarding the technical features” of a litigant’s products). *Cf. See e.g., Icon-IP Pty Ltd.*
20 *v. Specialized Bicycle Components, Inc.*, No. 12–cv–03844–JST, 2015 WL 984121, at *2 (N.D. Cal.
21 Mar. 4, 2015) (materials that detail product architecture are even “appropriately sealable under the
22 ‘compelling reasons’ standard where that information could be used to the company’s competitive
23 disadvantage”) (citation omitted); *Delphix Corp. v. Actifo, Inc.*, No. 13-cv-04613-BLF, 2014 WL
24 4145520, at *2 (N.D. Cal. Aug. 20, 2014) (finding compelling reasons to seal where court filings
25 contained “highly sensitive information regarding [an entity’s confidential] product architecture and
26 development”).

27 **IV. CONCLUSION**

1 For the foregoing reasons, Google respectfully requests that the Court grant Google's
2 Administrative Motion to File Under Seal Portions of its Response to Sonos's Brief Regarding the
3 Parties' Positions on Standalone Mode.

4
5 DATED: May 16, 2023

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

6
7 By: /s/ Sean Pak

Sean Pak

8 *Attorneys for GOOGLE LLC*
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION

Pursuant to the Federal Rules of Civil Procedure and Local Rule 5-1, I hereby certify that, on May 16, 2023, all counsel of record who have appeared in this case are being served with a copy of the foregoing via the Court's CM/ECF system and email.

DATED: May 16, 2023

By: /s/ Sean Pak
Sean Pak